



***Town of Tyngsborough  
Conservation Commission***

25 Bryants Lane  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext. 116  
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Minutes  
June 14, 2016  
**APPROVED**

**Present:**

**BM:** Brian Martin     **JK:** Jeff Kablik     **LB:** Linda Bown     **ES:** Ed Smith     **PM:** Pat Mical  
**MM:** Matt Marro

**Absent:**

**JE:** Jerry Earl

**Attachments:**

1. Agenda
2. Conservation Director's Report on 14 Worden Rd. – 6/8/16
3. Conservation Director's Follow-up Report on 14 Worden Rd. – 6/8/16
4. Hancock Associate RDA & Stormwater Management Application for 14 Worden Rd. – 5/27/16
5. 14 Worden Rd. (Braemar Circle) Plan Set – 5/3/16
6. 370 Middlesex Rd. Pictometry Photo
7. 370 Middlesex Rd. Building Rendering – 6/8/16
8. 370 Middlesex Rd. Notice of Intent Report – 4/12/16
9. Christopher Stewart Email Regarding BFE at 370 Middlesex Rd. – 6/10/16
10. 370 Middlesex Rd. Site Rendering – 6/14/16
11. 370 Middlesex Rd. Permit Plan Set – 4/12/16
12. David E. Ross Associates Comments Regarding 324 Middlesex Rd. – 6/14/16
13. 27 Red Gate Rd. Pictometry Photo
14. 33 Forest Park Ave. Pictometry Photo
15. Conservation Director Notice of Noncompliance for 33 Forest Park Ave. – 5/26/16
16. 33 Forest Park Ave. Pictorial Information Regarding Noncompliance – Rec'd at Meeting 6/14/16
17. Conservation Director Sewer Project Report – 5/27/16

**7:00pm**     Chairman BM opened meeting

**7:03pm**     **14 Worden Rd. (M28, P10, L0) – Request for Determination of Applicability and a Stormwater Management Permit** for the proposed construction of a 2-lot subdivision with associated clearing, grading, and utilities within the 100' buffer zone. *Advertised in the Lowell Sun, Tuesday June 7, 2016.*

**ES:** Motion to waive the reading of the legal notice and abutters list.

**PM:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 1**

**Passes: 5-0-1**

Engineer Brian Geaudreau and land owner George Psoinos appeared before the Commission. Mr. Geaudreau explained that there is an existing structure on the property which will be removed and two single family homes will be built with common driveways. Stormwater management will consist of infiltration trenches, basins, swales, and check dams. In addition, most of the excavated material will be transported off-site instead of stockpiled. The project has already been through extensive review by the Planning Board engineer, and they received subdivision approval on 6/3/16. MM reviewed the project and suggested thinning the older dying trees from the property line in response to an abutters concerns. There were no other abutters present to speak for or against this project.

**JK:** Motion to close the public portion of the hearing

**PM:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 1**

**Passes: 5-0-1**

**JK:** Motion to issue a Negative Determination and Stormwater Management Permit for a 2-lot subdivision at 14 Worden Rd. with the condition that some of the older, damaged or dead trees be removed at the property line, per plans dated 5/3/2016.

**PM:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 1**

**Passes: 5-0-1**

**7:30pm**      **370 Middlesex Rd. (M12, P41, L0) – Notice of Intent/Stormwater Management Permit** for the proposed commercial redevelopment of an auto dealership by razing the existing structures and building a 28' x 40' 2-story office & showroom, and a 30' x 30' garage with associated grading and utilities. *Advertised in the Lowell Sun, Tuesday April 19, 2016.* **Continued from May 24, 2016.**

Engineer Matt Hamor appeared before the Commission. FEMA issued a preliminary email with updated base flood elevations (BFE) and flood plain delineations. The 50' no-build zone will still be breached by 38' and therefore will need a waiver. The Commission also noted that no vehicle "wash-downs" would be permitted since there are no floor drains included in the building design. There were no abutters present to speak for or against this project.

**LB:** Motion to close the public portion of the hearing.

**PM:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 1**

**Passes: 5-0-1**

**JK:** Motion to issue a Standard Order of Conditions and Stormwater Management Permit for 370 Middlesex Rd. with a waiver of the 50' no-structure zone; and with the condition that no vehicle "wash-downs" be permitted on site, per plans dated 6/14/16.

**LB:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 1**

**Passes: 5-0-1**

**7:55pm 324 Middlesex Rd. (M19, P5, L0) – Request for Determination of Applicability and a Stormwater Management Permit** for the proposed construction of a 2-story 40,000 s.f.± self storage building, and 12 separate self-storage units totaling 58,000 s.f.± including driveway access and utilities. **Continued from May 10, 2016.**

Engineer Matt Hamor appeared before the Commission. Final revised plans were submitted to the Planning Board engineer, reviewed and approved. There were no other pending issues, and no abutters were present to speak for against this project.

**ES:** Motion to close the public portion of the hearing.

**PM:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 1**

**Passes: 5-0-1**

**JK:** Motion to issue a Negative Determination and Stormwater Management Permit for 324 Middlesex Rd. per plans dated 6/3/16.

**ES:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 1**

**Passes: 5-0-1**

### **CERTIFICATES OF COMPLIANCE**

1. **27 Red Gate Rd. (M15, P99, L0) – Request for Certificate of Compliance, DEP# 309-355.** Order of Conditions issued March 11, 1996.

**ES:** Motion to issue a Certificate of Compliance for 27 Red Gate Rd., DEP# 309-355.

**JK:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 1**

**Passes: 5-0-1**

### **DIRECTOR'S REPORTS**

1. 33 Forest Park Ave. – Wetland Violation

MM reported that there are three current violations on the property consisting of working within 100', and 30' buffer zones, and working within a resource area without a valid order of conditions. MM issued a violation letter on 5/26/16 with a cease and desist order. Homeowners Scott Georgoulis and Kristen Howell appeared before the Commission with a pictorial explanation of the problems and solutions in the work area, and the details of the work that was done. The Commission requested that under this enforcement, they must develop a restoration plan with a wetland professional and present this to the Commission at their next meeting on July 12, 2016.

2. Tyngsborough Sewer Project Update – MM has been inspecting the project daily and reported no new erosion breaches or concerns with the work being done.

## **DISCUSSION**

1. Sherburne Nature Center/Trails Committee Report – MM report that the Trustees did their annual walk-through and will issue their report soon.
2. Open Space: No Report

## **ADMINISTRATIVE**

**ES:** Motion to approve the minutes from the May 10, 2016 meeting as written.

**LB:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 1**

**Passes: 5-0-1**

**8:35pm**

**ES:** Motion to adjourn

**LB:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 1**

**Passes: 5-0-1**

Respectfully for the Conservation Commission,

Pamela Berman  
Administrative Assistant